

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

HAWO OSMAN AHMED, *et al.*)

No. 3:11-cr-00132

Chief Judge Haynes/Judge Knowles

**DEFENDANT HAMDI MOHAMUD'S RENEWED MOTION
FOR A HEARING ON REVIEW OF DETENTION ORDER**

This renewed Motion for a review of Ms. Mohamud's pretrial detention is largely prompted by the fact that she has now been in custody for almost ten months (since on about November 17, 2011), with no prospect of an imminent trial date in view of a co-Defendant's pending motions. In addition, as reflected by Exhibit A (the September 12, 2012, report of James M. Lewis, D.M.D., D.A.F.B.O., the forensic odontologist whom the government selected to conduct a "forensic dental age assesement" of Ms. Mohamud), there is a substantial question as to whether Ms. Mohamud had reached the age of 18 as of the date of the alleged offense (June 16, 2011), or *even* whether she is an adult now (given that Dr. Lewis calculated her "Average Mean Age" as 17.60 years as of September 7 this year).*

Defendant initially filed a "Motion for Review of Detention Order and Memorandum in Support" on February 15 this year (D.E. 86), with supplemental filings on March 7 (D.E. 88), April 3 (D.E. 92), and April 16 (D.E. 93). She adopts and incorporates those filings by

* The Court will note that the copy of Dr. Lewis's report is unsigned, but the government has represented that it has a signed version. Defendant intends to file a Motion to Dismiss for lack of this Court's subject matter jurisdiction based on her "age issue," but is not yet prepared to do. The parties are in the process of attempting to stipulate to most if not all of the underlying proof, although Defendant submits that the report of the government's own expert should be dispositive by itself.

It should be noted that Ms. Mohamud's "A-File" date of birth is January 1, 1993 (which would have made her 18 on the date of the offense), but as the Court learned in the *Adam* trial, the default "A-File" January 1 birth dates of otherwise undocumented Somali refugees are essentially meaningless in terms of reflecting actual chronological age.